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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,129	07/03/2003	Jacob Ofir	47546/263855	7181
826	7590	07/29/2005	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			MCCLELLAN, JAMES S	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/613,129

Applicant(s)

OFIR ET AL.

Examiner

James S. McClellan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2005.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

***Request for Reconsideration***

1. Applicant's request for reconsideration mailed 4/19/05 has been fully considered, wherein claims 1-20 are pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9 and 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. US 2003/0126256 (hereinafter "Cruickshank") in of Online Publication: Netscreen Security Appliances (hereinafter "Netscreen").

Regarding **claim 1**, Cruickshank discloses a method for maintaining a status indication in a network operations center (see paragraph 0027) for a terminal adapter (see paragraph 0024, "terminal adaptor (MTA) 33" which is a CPE 29) connected to a network node (see paragraphs 0025-0026), comprising the steps of: receiving a first status update message from the terminal adapter by the network node indicating a first parameter file version number stored in the memory of the terminal adapter (see paragraph 0029), the first status update message further including a terminal adapter identification number and a first primary communication path status; relaying the first status update message from the network node to the network operations center (see paragraph 0041); receiving the first status update message at the network operations

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center and examining the terminal identification (it is inherent that each terminal is identified) number and the parameter file version number; and recording a status indication and recording time in a status indication table at the network operations center, wherein the status indication table associates the status indication and recording time with the terminal adapter identification number (see paragraph 0067).

Cruickshank fails to disclose primary and secondary communication paths.

Netscreen -5XT supports dial-backup or dual Ethernet ports for redundant Internet connections when network is uptime is business critical.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Farnsworth with dial-backup connections as taught by Netscreen, because dial-backup for redundant Internet connections provides additional service capability for critical business activities.

4. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cruickshank in view of Netscreen (see claims 1-9 and 12-20) and further in view of *Official Notice*.

Regarding claims 10 and 11, Farnsworth/Netscreen fail to explicitly disclose the type of notification.

The Examiner takes Official Notice that it is old and well known in the art to notify via email or telephone.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Farnsworth with email or telephone notification as is well known in the art,

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because email and telephone provide quick, efficient, and readily accessible notification platforms for businesses.

### ***Response to Arguments***

5. Applicant's arguments filed April 19, 2005 have been fully considered but they are not persuasive.

All argument are moot in view of new grounds of rejection.

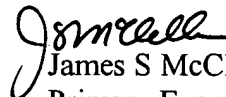
### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. McClellan whose telephone number is (571) 272-6786. The examiner can normally be reached on M-F (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James S McClellan  
Primary Examiner  
Art Unit 3627

jsm  
7/25/05